

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

DAVID MERRITT, et al.,  
Plaintiffs,

v.

COUNTRYWIDE FINANCIAL  
CORPORATION, et al.,  
Defendants.

Case No. [09-cv-01179-BLF](#)

**ORDER GRANTING PLAINTIFFS'  
MOTION FOR EXTENSION OF TIME;  
DENYING DEFENDANTS' MOTION TO  
ADVANCE HEARING**

[Re: ECF 182, 185]

Before the Court are the parties' respective administrative motions concerning the briefing schedule and hearing date for Defendants'<sup>1</sup> recently filed motions to dismiss. Pl.'s Admin. Mot., ECF 182; Def.'s Admin. Mot., ECF 185. Plaintiffs, proceeding *pro se*, request an extension of time in which to respond, while Defendants request that the Court hear the motions on February 19, 2015 in lieu of the earlier-filed Motion to Stay State Law Claims set for that date.


While the Court is sympathetic to their judicial economy arguments, Defendants filed their motions to dismiss on January 20, 2015, and hearing the motions on February 19, 2015 would give all sides—including the Court—fewer than the minimum 35 days between motion filing and hearing contemplated by the Civil Local Rules. *See* Civ. L.R. 7-2(a). In light of Plaintiffs' *pro se* status, reducing the presumptive schedule set forth in the local rules is unlikely to promote judicial efficiency or ensure that the Court benefits from both parties' best briefing on the merits of the pending motions. As such, the Court does not find good cause to deviate from the present hearing date of April 30, 2015 on Defendants' two motions (ECF 176 and 179), and Defendants' request is DENIED.

<sup>1</sup> Excepting individual defendant John Benson.

1 As the motions to dismiss are to remain set for hearing on April 30, 2015, there is little  
2 prejudice to granting Plaintiffs' request for an extension of time in which to respond.  
3 Accordingly, Plaintiffs' request is GRANTED. Plaintiffs' response to Defendants' Rule 8(a) and  
4 12 motions (ECF 176 and 179 respectively) is due **by February 16, 2015**. Plaintiffs' response to  
5 Defendant Benson's separate motion to dismiss (ECF 177) shall be due as set forth in those  
6 parties' stipulation filed January 22, 2015. ECF 184.

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8 **IT IS SO ORDERED.**

9 Dated: January 27, 2015

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11 BETH LABSON FREEMAN  
12 United States District Judge  
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United States District Court  
Northern District of California